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Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization
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Draft report

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III. Peaceful settlement of disputes

1. The Special Committee considered the item entitled "Peaceful settlement of disputes" during the general exchange of views held at its 284th and 285th meetings, on 21 and 22 February 2017, and at the 2nd meeting of the Working Group of the Whole.

2. During the general exchange of views, delegations expressed their support for all efforts to address the peaceful settlement of disputes. Delegations reiterated their preference that, in accordance with the mandate of the Special Committee, the question of the peaceful settlement of disputes remain on its agenda.

3. Several delegations reaffirmed the role of the International Court of Justice, as the principal judicial organ of the United Nations, in promoting the peaceful settlement of disputes and recalled the adoption by the General Assembly of its resolution 71/147 on the commemoration of the seventieth anniversary of the Court. The significance of the Manila Declaration on the Peaceful Settlement of International Disputes, which had been approved by the Assembly in 1982 and was annexed to its resolution 37/10, was also recalled. It was noted that the Assembly had reaffirmed the principle of the peaceful settlement of disputes in several other resolutions, in particular in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (resolution 2625 (XXV), annex).

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A. Proposal by the Russian Federation to recommend that the Secretariat be requested to establish a website on the peaceful settlement of disputes and update the *Handbook on the Peaceful Settlement of Disputes between States*

4. During the general exchange of views and at the 2nd meeting of the Working Group of the Whole, the sponsor delegation recalled its proposal (see A/69/33, para. 52) that the Special Committee consider requesting the Secretariat to establish a website, within existing resources, dedicated to the peaceful settlement of disputes between States, which would include references to relevant United Nations documents, as well as to the United Nations and other organs active in the field, and to update the *Handbook on the Peaceful Settlement of Disputes between States*, prepared by the United Nations in 1992.

5. Several delegations voiced support for the proposal in the general exchange of views and in the Working Group of the Whole. It was recalled that the *Handbook* had been prepared on the basis of an earlier initiative of the Special Committee (see General Assembly resolutions 39/79 and 39/88 of 13 December 1984). The view was expressed that updating the *Handbook* and establishing a website on the means for the peaceful settlement of disputes would be useful to Member States, especially developing States, which might not be able to follow recent developments in international law owing to limited resources. It was noted that in view of its useful nature, the substance of the proposal would not be controversial. It was also maintained that updating the *Handbook* and establishing a website would likely not require additional resources.

6. Some delegations emphasized that the proposal had been on the agenda of the Committee for several years and requested that it be given thorough consideration. The sponsor delegation asked that the proposal be retained on the agenda of the Special Committee.

B. Proposal submitted on behalf of the Non-Aligned Movement entitled "Pacific settlement of disputes and its impact on the maintenance of peace"

7. The proposal submitted on behalf of the Non-Aligned Movement entitled "Pacific settlement of disputes and its impact on the maintenance of peace" at the 2015 session of the Special Committee (A/70/33, annex I) was referred to during the general exchange of views held at the 284th and 285th meetings of the Special Committee, on 21 and 22 February 2017, and was considered at the 2nd meeting of the Working Group of the Whole. At the 2nd meeting of the Working Group of the Whole, the sponsor delegations presented a non-paper reflecting the revised version of their proposal.

8. In their general statement and in the Working Group of the Whole, the sponsor delegations explained that the revised proposal was an attempt to promote discussion on the peaceful settlement of disputes, in accordance with the provisions of Chapter VI of the Charter of the United Nations, and to increase the capacity of Member States to seek recourse to the means available for the peaceful settlement of

disputes. The sponsor delegations underlined that the revised proposal was aimed at promoting the culture of peace among Member States and encouraging Member States to refrain from resorting to armed conflict.

9. The sponsor delegations reiterated that the suggested annual review of the issue by the Special Committee would be based on a compilation by the Secretariat of information on relevant practices and successful experiences in the peaceful settlement of disputes by Member States. It was clarified that such information would be submitted by Member States on a voluntary basis. The sponsor delegations also explained that the revised proposal would provide the opportunity for the Special Committee to consider the use of means available for the peaceful settlement of disputes in accordance with Chapter VI of the Charter, while the subtopic for discussion at each session of the Special Committee would be one of the various means identified in Article 33 of the Charter, as well as its guiding principles, privileges and limitations. It was noted that under the revised proposal, the International Law Commission, given its role in the progressive development of international law, would be requested to consider including in its programme of work a study on the obligation of States to use peaceful means for settling their international disputes. It was recalled that the revised proposal was not intended to limit the free choice of means in peaceful dispute settlement.

10. Many delegations, both in the general exchange of views and in the Working Group of the Whole, reiterated their commitment to the peaceful settlement of international disputes and expressed their support for the revised proposal. The presentation of the non-paper by the sponsor delegations was welcomed. The various means for the peaceful settlement of disputes envisaged in the Charter were stressed, as well as the obligation of Member States under the Charter to settle disputes by peaceful means. The importance of studying the use of means for dispute settlement was emphasized. Support was expressed for the approach taken in the revised proposal for Member States to provide information regarding the resort to peaceful means for dispute settlement on a voluntary basis.

11. Other delegations welcomed the revised proposal and expressed their willingness to engage in constructive discussions thereon. Questions were raised in relation to the compilation of information by the Secretariat on the information to be submitted by the Member States, and to the request for the International Law Commission to study the obligation of States to use peaceful means for settling their international disputes.

12. Delegations welcomed the informal intersessional meeting of the Special Committee, which had been held on 2 February 2017, and the constructive spirit that had been expressed during that meeting. The sponsor delegations expressed their willingness to continue consultations with other Member States and welcomed contributions that Member States might have regarding the revised proposal.